

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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M.S., et al.,

Plaintiffs,

-v-

CITY SCHOOL DISTRICT OF THE CITY OF NEW
YORK,

Defendant.
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23-cv-09751 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

This case represents one of thirty-two actions filed on November 3, 2023 by students and parents in New York City which seek attorneys’ fees and costs against the New York City School District under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* On February 13, 2024, the New York City School District, as the Defendant in all of the actions, submitted a letter in the first-filed such case indicating that it planned to move to consolidate the thirty-two cases, including the case before this Court, and requesting a conference regarding its forthcoming motion. CM-ECF 23-cv-09727, Dkt. No. 7. Judge Cronan—the judge presiding over the first-filed action—granted the request for conference and scheduled it for April 10, 2024, but expressed skepticism that there was “any merit” to a motion to consolidate, “given that the thirty-two cases involve different plaintiffs, different underlying administrative proceedings, and different work done by counsel giving rise to the fees request, and therefore involve different questions of fact.” *Id.* Dkt. Nos. 7–8. On February 16, 2024, despite Judge Cronan’s skepticism, Defendant wrote to this Court to note the hearing on its anticipated motion to consolidate the cases before Judge Cronan, and moved for a 180-day stay of this action pending the hearing and

judgment on the motion, as well as an adjournment of the Initial Pre-Trial Conference scheduled in this case, which was set for March 29, 2024. CM-ECF 23-cv-09751, Dkt. No. 9. This Court granted the motion on February 17. Dkt. No. 10. However, when Judge Cronan learned of Defendant's letter motion to stay many of the thirty-two actions that Defendant seeks to consolidate, which uniformly "make no reference to [the judge's] explicit skepticism with the merits of a consolidation motion," he rescheduled the hearing on the anticipated motion up to February 26, 2024. CM-ECF 23-cv-09727, Dkt. Nos. 7–8, 11. This Court shares Judge Cronan's skepticism. Accordingly, the Court lifts the stay of this action that it had granted on February 17, 2024, CM-ECF 23-cv-09751, Dkt. No. 10, and reschedules its Initial Pre-Trial Conference for the same date and time as originally planned.

The parties are further ordered to file a joint letter apprising this Court on the status of the consolidation motion, including any briefing schedule set by Judge Cronan. Within three days of Judge Cronan's ruling on the consolidation motion, the parties shall file a joint letter apprising the Court of the ruling.

SO ORDERED.

Dated: February 20, 2024
New York, New York



LEWIS J. LIMAN
United States District Judge